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Attorneys for Defendant SAUDI REFINING, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MIKE M. MADANI, *et al.*,

Plaintiffs,

vs.

SHELL OIL COMPANY, *et al.*,

Defendants.

CASE NO. CV-07 04296 MJJ

DECLARATION OF STUART N. SENATOR
IN CONJUNCTION WITH MOTION TO
DISMISS AND REQUEST FOR JUDICIAL
NOTICE

[REQUEST FOR JUDICIAL NOTICE AND
MOTION TO DISMISS FILED
CONCURRENTLY]

Date: December 18, 2007
Time: 9:30 a.m.
Dept.: Courtroom 11, 19th Floor
Judge: Hon. Martin J. Jenkins

1 I, Stuart N. Senator, declare:

2 1. I am an attorney at the law firm of Munger, Tolles & Olson LLP, counsel
3 to Defendant Shell Oil Company in this matter and in the matter of *Dagher v. Saudi Refining,*
4 *Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114. The facts stated in this declaration are within
5 my personal knowledge and, if called as a witness, I could and would testify competently thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of the decision of
7 the Supreme Court of the United States in *Texaco Inc. v. Dagher*, 547 U.S. 1 (2006), as retrieved
8 from Westlaw.

9 3. Attached hereto as Exhibit B is a true and correct copy of the Complaint in
10 *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, filed June 15, 1999.

11 4. Attached hereto as Exhibit C is a true and correct copy of the Summary
12 Judgment Order of August 13, 2002 in *Dagher v. Saudi Refining, Inc.*, CV 99-6114 GHK, 2002
13 WL 34099815 (C.D. Cal. Aug. 13, 2002), as retrieved from Westlaw.

14 5. Attached hereto as Exhibit D is a true and correct copy of the Summary
15 Judgment Order of May 21, 2002 in *Dagher v. Saudi Refining, Inc.*, CV 99-6114 GHK, 2002 WL
16 34099816 (C.D. Cal. May 21, 2002), as retrieved from Westlaw.

17 6. Attached hereto as Exhibit E is a true and correct copy of the decision of
18 the Court of Appeals for the Ninth Circuit in *Dagher v. Saudi Refining, Inc.*, 369 F.3d 1108 (9th
19 Cir. 2004), as retrieved from Westlaw.

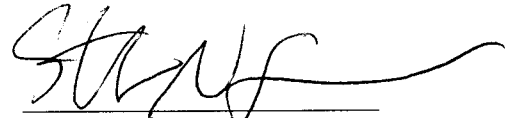
20 7. Attached hereto as Exhibit F is a true and correct copy of the First
21 Amended Complaint in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-
22 06114, filed June 15, 1999.

23 8. Attached hereto as Exhibit G is a true and correct copy of the Second
24 Amended Complaint in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-
25 06114, filed January 26, 2000.

26 9. Attached hereto as Exhibit H is a true and correct copy of the Stipulation
27 and Order for Dismissal of Plaintiffs Madani and Peterson in *Dagher v. Saudi Refining, Inc.*,
28 U.S.D.C., C.D. Cal., Case No. CV-99-06114, entered November 20, 2000.

1 10. Attached hereto as Exhibit I are true and correct copies of pages excerpted
2 from the transcript of the hearing on Defendants' Motion to Dismiss in *Dagher v. Saudi Refining,*
3 *Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, held December 6, 1999.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct and that this declaration was executed on October 31, 2007
6 at Los Angeles, California.

7
8 
9 Stuart N. Senator